

DELEGATED REPORT

Application No:	P/22/0118
Site Address:	Land At Pavilion And Changing Rooms Pantyffyn Road Penyard Merthyr Tydfil
Development:	Provision of access and car parking, CCTV cameras, storage container, dug outs, fencing with associated access gates and pitch side rail
Case Officer:	Rebecca Owens
Site Visit:	30th May 2022
Application Expiry Date:	14th July 2022
Consultation reply date expired:	6th July 2022

APPLICATION SITE

The application relates to a field with changing facilities, which is situated within a mainly residential area within the settlement boundary. The site is also classed as an Open Space within the Local Development Plan.

PROPOSED DEVELOPMENT

Full planning permission is sought for the provision of access and car parking, CCTV cameras, storage container, dug outs, fencing (with associated access gates) and pitch side rail.

It is proposed to adapt the existing pedestrian and vehicular access off Pantyffyn Road creating a new driveway down to the eastern corner of the site where a new car park is proposed which would accommodate nine vehicles.

It is proposed to mount CCTV cameras on existing flood light columns located either side of the changing room building and on the flood light mount which itself is positioned on the south eastern flank elevation of the changing room building. The cameras would be 0.24m by 0.143m and would be erected at a maximum height of 7.3m on the lighting columns and 6.05m on the building.

A storage container is proposed adjacent to the north western flank elevation of the changing room building for a temporary period of 3 years. This would be 2.35m in width by 5.75m in depth and would be 2.6m in height.

Two dug outs are proposed adjacent to the south western side of the pitch these would be 4.65m in width by 1.3m in depth and would have a maximum height of 2.3m.

Around the perimeter of the rugby pitch a new metal rail is proposed which would be 1.1m in height.

A section of the existing fencing which runs between the proposed vehicle driveway and car parking area would be replaced with 1.8m high fencing with a 1.8m high sliding vehicle gate. In addition, a new section of 1.8m high fence is proposed to the south east of the car park and around the rugby pitch. Where this fencing intersects a pathway approved under a previous planning application (P/20/0187) in two separate areas, pedestrian gates are to be provided within the fencing. An access gate is also proposed in the fencing adjacent to the changing room building.

PLANNING HISTORY

The relevant planning history is summarised below:

- | | |
|-----------|--|
| P/20/0250 | Discharge of condition 3 (Reptile Management Strategy) of planning permission P/20/0187
Condition discharged on 2 November 2020 |
| P/20/0187 | New footpath linking changing rooms to football pitch
Granted planning permission subject to conditions on 14 September 2020 |
| P/00/0037 | Siting of portable building for use as additional changing rooms, stores and associated use.
Granted planning permission subject to conditions on 23 March 2000 |

CONSULTATION

The following bodies were consulted and their responses are presented below:

- | | |
|--|--------------------------------------|
| Planning Division's Policy Team Leader | No objection |
| Planning Division's Ecologist | No objection subject to enhancements |
| Head of Engineering | No objection |
| Environmental Health Manager | No objection |
| Coal Authority | No objection |

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties and three site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a

vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

Planning Policy Wales (Edition 11, February 2021)

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

SW4: Settlement Boundaries

SW10: Protecting and Improving Open Spaces

SW11: Sustainable Design and Placemaking

SW12: Improving the Transport Network

SW13 Protecting and Improving Local Community Facilities

CW1: Historic Environment

EnW1: Nature Conservation and Ecosystem Resilience

EnW2: Internationally and Nationally Protected Sites and Species

EnW4: Environmental Protection

The following Supplementary Planning Guidance and other guidance is also applicable:

- Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 4: Sustainable Design (July 2013).
- Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 5: Nature and Development (May 2015).
- Merthyr Tydfil Open Space Strategy and Action Plans (June 2016).

PLANNING CONSIDERATIONS

Principle

The application site is located within the primary growth area of the settlement boundary (Policy SW4) and as such the principle of development is acceptable subject to compliance with other relevant planning policies and material planning considerations.

In this respect, it is noted that the application site is located within a designated area of open space and as such Policy SW10 is relevant. This Policy aims to protect open space, preventing development which would result in an unacceptable adverse impact on, or result in a loss of, open space unless it meets with certain criteria. The proposals appear to satisfy the second criterion of Policy SW10 as the open space would be largely retained but enhanced in respect to its community use as a rugby pitch. However, it is recognised that the proposal involves the enclosure of the pitch with fencing which may restrict access to it. Notwithstanding this, the enclosure of the land can be undertaken without planning permission and is therefore outside of planning control. In addition, despite being enclosed, the open space would remain and continue to provide a sports pitch. Indeed, the proposal would support policy SW13 by enhancing the current community facility.

Design and visual amenity

Generally, the proposed works are deemed to be acceptable in terms of their visual impact. In this respect each element of the proposal is considered below:

The dug outs and pitch side rail are deemed to be of an appropriate scale and are typical features found alongside and around sports pitches. As such they would not appear incongruous or adversely impact on the character of the facility. Similarly, the proposed security cameras are relatively modest in size and would be attached to existing flood lighting brackets and posts. When viewed alongside the existing floodlight, it is not considered that they would have any significant visual impact.

The access, new car parking area and vehicular sliding gate are also considered to be acceptable. Once again these would not appear discordant within the site and the car parking area would only cover a modest area. As such they would only have a minimal impact.

The storage container is located adjacent to the flank elevation of the existing changing room building where it would be visible from the adjacent highway. Given the nature and appearance of this type of structure, they are often visually intrusive and indeed it is considered that in this location it would be visually poor and would appear out of context within the area. As such, concern is raised with respect to the appearance of the container and its impact on the character and visual amenity of the street scene. However, on the basis that it is essentially a temporary structure which is required to provide additional storage until an alternative can be found, a temporary consent for a period of 3 years is considered on balance to be acceptable.

In addition, whilst it is acknowledged that the proposed 1.8m high fencing, particularly around the pitch, would impinge upon the existing open character of the field, and is not considered to be a desirable addition, it is recognised that this element of the proposal can be undertaken without the benefit of planning permission and as such it would not be justified to refuse the application based its visual impact.

Having regard to the above, on balance it is not considered that the elements of the proposal that require permission would as a whole adversely impact on the character or visual amenities of the site itself or indeed the wider area. In this respect it is noted that the site lies within Urban Character Area 3 (Twynyrodyn, including Ysgubor Newydd and Penyrheol) but for the above reasons it is not considered that the proposal would have any adverse impact on the area. It is therefore found to concur with Policies SW11 and CW1 of the LDP.

Residential amenity

Regard has also been had for the impact of the proposal on residential amenity and it is noted that the application site is located in a mainly residential area. However, having regard to the type of works proposed and their distance from the nearest dwellings, it is not considered that they would impinge on the residential amenity of any neighbouring occupants. In this respect it is also noted that no representations were received following the publicity exercise. The proposal would therefore accord with Policy SW11 of the LDP.

Ecology

Given the scale and nature of the works proposed the Ecologist does not consider that any ecological reports are required and is satisfied that there would not be any harmful impact in this respect from the development. However, he has asked for a number of enhancements. Whilst these are acknowledged given the development proposed is it not considered that it would be justified to require that these are provided.

Land stability

The application site is located in an area identified as being at high risk from past coal mining activities with The Coal Authority records indicating that the application site lies in an area of probable unrecorded underground coal mine workings at shallow depth. However, when considering the nature of this particular development proposal, it is unlikely that the works would require substantial foundations or earthworks. On this basis The Coal Authority do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of the development proposed and do not object to the application.

Conclusion

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

CONDITIONS/REASONS:

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Drawing Title: Proposed Plan, Drawing Number: MT HARE 04BB, Amended Plan Received on 30 June 2022

Drawing Title: Proposed Plan, Elevations & Sections, Drawing Number: MT HARE 05C, Amended Plan Received on 29 June 2022

Drawing Title: Existing and Proposed Block Plan, Drawing Number: MT HARE 06DD, Amended Plan Received on 30 June 2022

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14:00 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. The storage container hereby approved shall be removed from the land in its entirety and the land shall be restored to its former condition on or before 3 years from the date it is brought into use. **Prior to the commencement of the use of the container**, the local planning authority shall be informed, in writing, of the date it will be first brought into use.

Reason – In the interest of visual amenity in accordance with Policy SW11 the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. If a drop kerb is required, an application form to obtain permission for this aspect of the development can be obtained from the highways department;

Website : <https://www.merthyr.gov.uk/resident/parking-roads-and-travel/roads-footways-and-pavements/dropped-kerb/>

Email : Highways.CustomerCare@merthyr.gov.uk Tel no : 01685 727470 or 725000

2. The applicant/developer is advised to liaise with the County Borough Council's Head of Engineering regarding any consents which are required in association with the provision of any vehicle cross over.
3. The developer is advised to contact the County Borough Council's Head of Engineering regarding any retaining works or other works affecting the highway **BEFORE** construction works commence.
4. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345

762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/coalauthority

RECOMMENDATION ENDORSED 

Head of Town Planning

DATE: 30/6/22